

Article - Public Safety

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§13A–804.

(a) (1) On application by an accused who is under sentence to confinement that has not been ordered executed, the convening authority or, if the accused is no longer under that person's jurisdiction, the person exercising general court–martial jurisdiction over the command to which the accused is currently assigned, may in that person's sole discretion defer service of the sentence to confinement.

(2) The deferment shall terminate when the sentence is ordered executed.

(3) The deferment may be rescinded at any time by the person who granted it or, if the accused is no longer under that person's jurisdiction, by the person exercising general court–martial jurisdiction over the command to which the accused is currently assigned.

(b) (1) In a case in which a court–martial sentences an accused referred to in paragraph (2) of this subsection to confinement, the convening authority may defer the service of the sentence to confinement, without the consent of the accused, until after the accused has been permanently released to the State military forces by a state, the United States, or a foreign country referred to in that paragraph.

(2) Paragraph (1) of this subsection applies to a person subject to this title who:

(i) while in the custody of a state, the United States, or a foreign country, is temporarily returned by that state, the United States, or a foreign country to the State military forces for trial by court–martial; and

(ii) after the court–martial, is returned to that state, the United States, or a foreign country under the authority of a mutual agreement or treaty, as the case may be.

(c) In a case in which a court–martial sentences an accused to confinement and the sentence to confinement has been ordered executed, but in which review of the case under § 13A–908 of this title is pending, the Adjutant General may defer further service of the sentence to confinement while that review is pending.

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